

STATEMENT OF REASONS
WILDLIFE AND COUNTRYSIDE ACT 1981
MODIFICATION ORDER

Under the Wildlife and Countryside Act 1981, the County Council, as the Highway Authority for Nottinghamshire, has a duty to keep the Definitive Map and Statement under continuous review. Councils are under an obligation to consider fully evidence that has been discovered or presented to them and, if necessary, make Orders to add or delete, upgrade or downgrade, amend or reclassify public rights of way. A notice that such an Order has been made has to be advertised on the site of the path(s) in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed change.

The Nottinghamshire County Council has made such an Order to add a footpath and a bridleway to the definitive map and statement for Everton, and to add a footpath and a bridleway to the definitive map and statement for Gringley-on-the-Hill and also to amend the particulars in respect of the definitive statement for Everton Bridleway No.24. This Statement of Reasons has been prepared to explain various aspects of the Order.

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

The Nottinghamshire County Council has made the Order because having considered the available evidence including: The Everton Inclosure Award 1761, Everton Plan of Low Grounds 1773, Chapman's Map of Nottinghamshire 1774, Plan of the Lands Titheable in Everton cum Harwell 1822, Everton Tithe Award 1848, Everton & C. Drainage Act Map 1860, The Diaries of Henry Seymour Metcalf 1874-87, Kelly's Directory of Nottinghamshire 1876, Ferryboat Inn (Misson) Conveyance 1877, Wright's Directory of Nottinghamshire 1879, Ordnance Survey Boundary Survey 1883, Documents relating to the Finance Act 1910, and 29 user evidence statements, it believes that footpath and bridleway rights can be shown to exist and that the definitive statement in respect of Everton Bridleway No.24 requires a minor modification.

The Nottinghamshire County Council is satisfied that the Order complies with the following legal grounds and tests laid down in Part III of the Wildlife and Countryside Act, namely the expiration of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path, and the discovery of evidence which (when considered with all other relevant evidence available) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist, and that other particulars contained in the map and statement require modification

THE ORDER WILL COME INTO EFFECT ONLY AFTER IT HAS BEEN CONFIRMED: making and advertising the Order simply provides an opportunity for objections or representations to be made.

Objections or representations relating to the Order must be made in writing by the 21st of October 2021 to the Countryside Access Team at the address which is given in the Notice or by email (countryside.access@nottscc.gov.uk).

The Nottinghamshire County Council will be willing to discuss the concerns of those considering objecting or making representations relating to the Order. Anyone wishing to do so may contact Mr E Brennan in the Countryside Access Section on 0115 9774709 between 9.00 am and 4.30 pm Mondays to Thursdays inclusive.

The right of objection to an Order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to Orders may be awarded against objectors in cases of unreasonable behaviour.

If any objections are made and not withdrawn, then the Council will have to refer the Order to the Department of the Environment for determination. An Inspector from the Planning Inspectorate will then consider the objections at a Public Inquiry or Hearing, or in writing if the objectors agree. The Inspector can confirm an Order, confirm it with modifications, or refuse to confirm it. If no objections are received or if any objections received are subsequently withdrawn the Council will be able to confirm the Order itself but it has no power to modify Orders. The Order will come into effect on the date of confirmation.